

### **Remarks**

Applicant's attorney has studied the Office Action dated June 9, 2008. Currently, pending are claims 1, 2, 5, 8-12, 14-17 and 19-26, Claims 3, 4, 6 and 7, and 13 have been cancelled. Claims 1, 2, 8, 11, 12, 14-17, 19 and 20 have been amended. Claims 21-26 have been added. No new matter has been added. See, for example, Fig. 1 and [0034] *et seq.* It is submitted that the application, as amended, is in condition for allowance. Therefore, reconsideration is respectfully requested.

### **Claim for Foreign Priority under 35 U.S.C. § 119(a)**

Applicant respectfully requests the Examiner to acknowledge Applicant's claim of foreign priority by checking the box corresponding to 12)a)1. A certified copy of the priority document, Korean patent application No. 10-2003-0010962, was received by the USPTO on February 19, 2004.

### **Objection under 37 CFR 1.75(c)**

The Examiner objected to claim 4 as being of improper dependent form for failing to further limit the subject matter of claim 3. New claim 22 generally corresponds to cancelled claim 3 and recites that the Internet terminal has a browser for allowing connection to the Internet site. New claim 23 generally corresponds to cancelled claim 4 and depends on claim 22. Claim 23 recites that the browser is a browser embedded in the Internet terminal or a browser provided from the Internet site. Because claim 23 further limits the subject matter of claim 22, the objection to the claims under 37 CFR 1.75(c) has been overcome.

### **Rejection under 35 U.S.C. § 102(e)**

Applicant claims a novel digital broadcasting method, as well as a system for practicing the method. The method recited in claims 8-11 involves first producing a data broadcast. Production of a data broadcast is explained, *inter alia*, at [0035] of the instant specification. Applicant teaches:

“The authoring engine 12 uses data broadcast contents to produce the data broadcast. That is, a producer can receive the data broadcast contents from a provider for providing the data broadcast contents, or from other businessmen or the like. The producer produces the data broadcast on the basis of the provided data broadcast contents using the authoring engine 12. Herein, the data broadcast can be produced on the basis of Markup such as HTML or XDML or on the basis of Java such as Xlet”.

After the data broadcast has been produced, both the data broadcast and a digital broadcast that includes a digital audio/visual broadcast and a data broadcast are registered on an Internet site. The corresponding system claims, claims 1-7, include a transmitting means having a means for producing data broadcasts, a first transmitting system for generating a digital broadcast, including a digital audio/video broadcast and a data broadcast, a second transmitting system for constructing the digital broadcast received from the first transmitting system and a data broadcast provided by the means for producing a data broadcast, and a unit for registering both the constructed digital audio/video broadcast and the constructed data broadcast on an Internet site.

Method claims 12 and 14-16 provide for connecting to an Internet site that provides both a data broadcast and a digital broadcast, the digital broadcast including a digital audio/video broadcast and a data broadcast, selecting a broadcast from the digital broadcast, the data broadcast or both, and downloading and displaying the selected broadcast.

Method claims 17, 19 and 20 provide for registering at least one digital audio/visual broadcast and at least one data broadcast on an Internet site, connecting to the Internet site to select a broadcast from among the at least one digital audio/visual broadcast and the at least one data broadcast, and downloading and displaying the selected broadcast.

The Examiner rejected claims 1, 3-8, 10-12, 14-17, 19 and 20 under 35 U.S.C. 102(e) as being anticipated by US Pat. Publ. No. 2003/0041334 (“Lu”).

Reconsideration is respectfully requested. Anticipation requires that a reference teach every aspect of the claimed invention either explicitly or impliedly.

Claims 1, 3-8, 10 and 11

Claim 6 has been cancelled, so the rejection of claim 6 has been made moot. Claims 3, 4 and 7 have been replaced by claims 22, 23, and 24, respectively.

Lu teaches a method and system for reviewing broadcast channels. ([0025].) The method includes capturing a broadcast channel, “such as local television broadcast channels (ABC, CBS, NBC, FOX, etc.) and/or cable broadcast channels (HBO, DISNEY, ESPN, etc.),” preferably on a video server. ([0025-26].) In turn, the video server supplies the broadcast channels to at least one Internet address. ([0026].) While additional services, such as supplementary information about a movie or game can be streamed along with the video streams of the broadcast channels ([0039]), Lu does not disclose or suggest a method that includes producing data broadcasts. Nor does Lu disclose or suggest a method wherein both a data broadcast and a digital broadcast that includes a digital audio/visual broadcast and a data broadcast are registered on an Internet site. Furthermore, Lu does not disclose or suggest a system that includes a transmitting means having a means for producing data broadcasts, a first transmitting system for generating a digital broadcast, including a digital audio/video broadcast and a data broadcast, a second transmitting system for constructing the digital broadcast received from the first transmitting system and a data broadcast provided by the means for producing a data broadcast, and a unit for registering both the constructed digital audio/video broadcast and the constructed data broadcast on an Internet site. Therefore, Lu does not anticipate any of claims 1, 5, 8, 10, 11, 22, 23, or 24.

Claims 12, 14-17, 19 and 20

Lu goes on to teach that once an Internet address has been accessed via a web browser, the user can choose to view any of the broadcast channels available at the Internet address with the browser. ([0037].) And as discussed above, Lu teaches that supplementary information may be streamed along with the video streams of the broadcasting channels. ([0039].) However, Lu does not disclose a method in which a user can select a broadcast from the at least one digital audio/visual broadcast and the at least one data broadcast. (claims 17, 19 and 20) or from a data broadcast and a

digital broadcast, the digital broadcast including a digital audio/video broadcast and a data broadcast (claims 12 and 14). Therefore, Lu does not anticipate any of claims 12, 14-17, 19 and 20, so that the rejection of these claims under 35 U.S.C. 102(e) should be withdrawn.

### **Rejection under 35 U.S.C. § 103(a)**

#### **Claim 2**

The Examiner rejected claim 2, the dependent claim additionally requiring that the data broadcast is produced based on a Markup or JAVA® programming language, as obvious in light of Lu. Reconsideration is respectfully requested. The Examiner asserts that “it is notoriously well known in the art to produce data programs using well known programming languages such as Java or Markup.” (Par. 8.) Regardless, since Lu does not suggest a system that includes a transmitting means having a means for producing data broadcasts, a first transmitting system for generating a digital broadcast, including a digital audio/video broadcast and a data broadcast, a second transmitting system for constructing a digital broadcast received from the first transmitting system and a data broadcast provided by the means for producing a data broadcast, and a unit for registering both the constructed digital audio/video broadcast and the constructed data broadcast on an Internet site, Lu necessarily does not suggest a system where the data broadcast is produced based on a Markup or JAVA® programming language. Therefore, Lu would not have made obvious claim 2 and the rejection of this claim under 35 U.S.C. §103(a) should be withdrawn.

#### **Claim 9**

The Examiner rejected claim 9, the dependent claim additionally requiring that the Internet site provides a viewer with a dedicated browser, as obvious in light of Lu. Reconsideration is respectfully requested. The Examiner asserts that “it is notoriously well known in the art for an Internet site to provide a browser or a media player in order to view the content on the site.” (Par. 8.) Regardless, since Lu does not suggest a method that includes producing a data broadcast or a method wherein both a data broadcast and a digital broadcast that contains a digital audio/visual broadcast and a

data broadcast are registered on an Internet site, it necessarily does not suggest a method where the data broadcast is registered on an Internet site that provides a viewer with a dedicated browser. Therefore, Lu would not have made obvious claim 9 and the rejection of this claim under 35 U.S.C. §103(a) should be withdrawn.

#### Claim 13

Claim 13 has been replaced by claim 26. The Examiner rejected claim 13, the dependent claim additionally requiring that the Internet site provides a viewer with a dedicated browser, as obvious in light of Lu. Reconsideration is respectfully requested. The Examiner asserts that “it is notoriously well known in the art for an Internet site to provide a browser or a media player in order to view the content on the site.” (Par. 8.) Regardless, since Lu does not suggest a method which a user can select a broadcast from among a digital broadcast, a digital audio/video broadcast or the data broadcast, it necessarily does not suggest a method of connecting to an Internet site that provides both a data broadcast and a digital broadcast, the digital broadcast including a digital audio/video broadcast and a data broadcast, selecting a broadcast from the digital broadcast, the data broadcast or both, and downloading and displaying the selected broadcast. Therefore, Lu would not have made obvious claim 26.

## **CONCLUSION**

In view of the above remarks, Applicant submits that claims 1, 2, 5, 8-12, 14-17 and 19-26, all the pending claims, are in condition for allowance. Reconsideration of the application is requested. If for any reason, the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

LEE, HONG, DEGERMAN, KANG & WAIMEY

Date: December 2, 2008

By:           /Jeffrey F. Craft/            
Jeffrey F. Craft  
Registration No. 30,044  
Attorney for Applicant